

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**IN RE:  
ANDREW GARRETT SIMMONS**

**CHAPTER 13  
CASE NO.: 23-50588-KMS**

**TRUSTEE'S NOTICE & MOTION TO DISMISS CASE FOR NON-PAYMENT**

**PLEASE TAKE NOTICE** that a written Response to the Trustee's Notice and Motion to Dismiss Case for Non-Payment must be filed with the U.S. Bankruptcy Court Clerk's Office, Dan M. Russell, Jr., U.S. Courthouse, 2012 15<sup>th</sup> Street, Suite 244, Gulfport, MS 39501, within twenty-one (21) days of the date of this Notice. Failure to timely file a Response will result in case dismissal. A Response will result in the Motion being set for hearing on: **Thursday, July 10<sup>th</sup>, 2025, at 10:00 a.m.**, at the foregoing Court location, 7<sup>th</sup> Floor, Bankruptcy Courtroom.

1. The Chapter 13 Trustee moves to dismiss the instant case for non-payment. Debtor(s) current plan payment **default through May 2025 totals \$1,561.81.**

**WHEREFORE PREMISES CONSIDERED** the Trustee requests dismissal of the instant case for failure to make plan payments as required by 11 U.S.C. § 1307.

**CERTIFICATE OF SERVICE**

I, **WARREN A. CUNTZ, JR.**, Chapter 13 Trustee, certify that I have served electronically, a true and correct copy of the above Notice and Motion to Dismiss Case for Non-Payment to:

**David W. Ashbach, Esq., United States Trustee  
Thomas Carl Rollins, Jr., Esq., for Debtor**

**USTPRegion05.JA.ECF@usdoj.gov  
trollins@therollinsfirm.com**

DATED this the 9th day of June 2025.

/s/ Warren A. Cuntz, Jr.

Chapter 13 Trustee  
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